

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 MARTHA MARGARITA BARBA DE LA) Case No. 09cv1161-BTM (BLM)
12 TORRE and ALEJANDRO DIAZ,)
13 Plaintiffs,) ORDER (1) GRANTING IN PART
14 v.) PLAINTIFFS' EX PARTE
15 JERRY L. ICENHOWER, et al.,) APPLICATION, (2) VACATING
16 Defendants.) EARLY NEUTRAL EVALUATION
CONFERENCE AND (3) SETTING
TELEPHONIC CASE MANAGEMENT
CONFERENCE

[Doc. No. 38]

On February 16, 2010, Plaintiffs filed an ex parte application to continue the telephonic Early Neutral Evaluation Conference ("ENE") scheduled for February 24, 2010. Doc. No. 38. Plaintiffs state that they intend to file a motion for reconsideration of District Judge Barry T. Moskowitz's February 2, 2010 order. *Id.* Therefore, they request that the ENE be continued until after Judge Moskowitz rules on this motion and Defendants' pending motion for summary judgment. *Id.* In light of the status of the pleadings, the Court finds it inappropriate to convene an ENE at this time. *See* Civil Local Rule 16.1(c)) (explaining that the judicial officer shall hold [conferences] as he or she deems appropriate.").

1 Therefore, the Court **GRANTS IN PART** Plaintiffs' ex parte application
2 and **VACATES** the ENE scheduled for February 24, 2010.

3 The Court will conduct a telephonic, attorneys-only Case
4 Management Conference on May 24, 2010 at 9:15 a.m. The Court will
5 initiate the conference call. Failure of required counsel to
6 participate may result in the imposition of sanctions.

7 **IT IS SO ORDERED.**

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9 DATED: February 17, 2010

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12 BARBARA L. MAJOR
13 United States Magistrate Judge
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